

[DEQ Letterhead]
Article 1
Federal Operating Permit

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	City of Virginia Beach Department of Public Works, Waste Management Division
Facility Name:	Virginia Beach Landfill No. 2
Facility Location:	1989 Jake Sears Road Virginia Beach, VA 23464
VA Registration Number:	61322
Permit Number	TRO61322

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through VIII)
State Only Enforceable Requirements (Section IX)

OCTOBER 6, 2004

Effective Date

OCTOBER 5, 2009

Expiration Date

(for)

Robert G. Burnley
Director, Department of Environmental Quality

Signature - Date

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I. Facility Information

Permittee Information

City of Virginia Beach
Department of Public Works, Waste Management Division
2405 Courthouse Drive
Virginia Beach, Virginia 23456

Responsible Official

Charles W. Meyer
Chief Operating Officer

Facility ID

Virginia Beach Landfill No. 2
1989 Jake Sears Road
Virginia Beach, Virginia 23464

Facility Contact person

Jeff Waller, P.E.
Civil Engineer
(757) 427-4825

AFS Identification Number: 51-810-00105

Facility Description: SIC Code 4953 – Virginia Beach Landfill No. 2 is a sanitary landfill located at 1989 Jake Sears Road in the City of Virginia Beach, Virginia. The landfill has been in operation since 1971. As a sanitary landfill regulated by the Commonwealth of Virginia, the landfill is permitted to accept only solid wastes which are defined and regulated under the Commonwealth of Virginia Solid Waste Management Regulations. Such wastes are generated from the City of Virginia Beach and include general domestic waste, commercial waste, and construction debris. Ash generated from the Southeastern Public Service Authority Refuse-Derived Fuel facility in Portsmouth, Virginia, has been deposited at the landfill. Only non-liquid, non-hazardous, and non-infectious wastes are accepted at the landfill.

The landfill will eventually consist of multiple disposal areas including the Original Mound, Phase 1, Phase 2A, Phase 2B, Phase 3, and Phase 4. The Original Mound, which covers approximately 55 acres, was operated from 1971 to 1983 under Solid Waste Permit No. 367. In 1983, the landfill was expanded to include the Phase 1 area, which covers approximately 49 acres, under Solid Waste Permit No. 398 issued by the Division of Solid and Hazardous Waste Management. Subsequently, the City of Virginia Beach received a waste management permit from the Virginia Department of Environmental Quality (DEQ) - Waste Division to expand the landfill to include Phases 2A and 4 (1996 original - as amended). The request and approval to add Phases 2B and 3 is expected in the future. Phases 1, 2A, and 4, combined, cover approximately 134 acres. Potential future expansion into Phases 2B and 3 would be expected to add approximately 38 acres. These new phases have been designed using current

technologies, including a composite liner system with a two-foot thick barrier layer overlain by a 60 mil thick high density polyethylene synthetic membrane, and a leachate collection system with a 0.25 inch thick composite drainage net overlain by an 18 inch thick drainage layer, among other components. The total lifespan of the new phases is approximately 40 years based on an estimated five percent increase in waste disposal per year starting in 1997.

An extensive landfill gas collection and control system is operated at Virginia Beach Landfill No. 2. This system includes extraction wells located throughout the Original Mound and Phase 1 disposal areas. Collected landfill gas is either combusted on-site in a flare or sent off-site for beneficial use. The operation of the landfill gas collection and control system is not required by applicable air quality regulations (Standards for Municipal Solid Waste Landfills under 40 CFR Part 60, Subpart WWW) since the City has demonstrated that non-methane organic compound (NMOC) emissions are less than 50 megagrams per year based on Tier 2 testing completed in 1998 and 2003. In addition to the landfill gas collection and control system, the City also operates a leachate collection system, multiple diesel fuel-fired pumps (primarily for pumping water and maintenance purposes), a diesel fuel storage tank, and a small degreasing unit for maintenance purposes at Virginia Beach Landfill No. 2.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Pollutant Controlled	Applicable Permit Date *
Fuel Burning Equipment / Utility Units							
DPs	-	Multiple diesel fuel-fired pumps	Varying	N/a	N/a	N/a	State Operating Permit dated 03/20/2003
Process Units							
MSW-1	-	Landfill operations	11.6 megagrams of municipal solid waste	Flare - LFG Specialties, Serial No. 1530 installed June 1998 rated at 2,000 scfm	F2	VOC, HAPs, NMOC, CO, NO _x , SO ₂ , PM-10	State Operating Permit dated 03/20/2003

III. Fuel Burning Equipment Requirements - (Emission Unit ID #DPs - Multiple Diesel Fuel-Fired Pumps)

A. Limitations

1. The approved fuel for the diesel pumps is diesel fuel. A change in fuel may require a permit.
(9 VAC 5-80-110 of State Regulations and Condition 5 of the State Operating Permit dated 3/20/03)
2. The annual operation of all diesel fuel-fired pumps shall not exceed 145,500 horsepower-hours per year **combined** or 7,430 gallons per year of diesel fuel **combined**, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 of State Regulations and Condition 17 of the State Operating Permit dated 3/20/03)
3. Emissions from the operation of all of the diesel fuel-fired pumps combined shall not exceed the limits specified below:

<u>Pollutant</u>	<u>ton/yr</u>
Nitrogen Dioxide	2.3
Carbon Monoxide	0.5

(9 VAC 5-80-110 of State Regulations and Condition 18 of the State Operating Permit dated 3/20/03)
4. Visible emissions from any of the diesel fuel-fired pumps shall not exceed twenty (20) percent opacity as determined by EPA Method 9 (40 CFR 60, Appendix A), except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity. This condition applies at all times except during start-up, shutdown, and malfunction.
(9 VAC 5-80-110, 9 VAC 5-50-80 of State Regulations and Condition 19 of the State Operating Permit dated 3/20/03)

B. Monitoring and Recordkeeping

1. The permittee shall perform periodic visual emissions observations to demonstrate compliance with opacity standards for the multiple diesel fuel-fired pumps (Unit Ref. No. DPs). The permittee shall perform such visible emission observations once per day during periods of normal facility operation to determine if the units have any visible emissions. If visible emissions from any of the emissions units are observed during these required observations, or at any time, that appear to exceed fifty percent (50%) of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 CFR 60, Appendix A, Method 9 shall be conducted on those units as soon as practicable. A Method 9 evaluation shall not be required if the visible emissions condition is corrected in a timely manner, the emissions unit is operating at normal operating conditions, and the cause and corrective measures taken are recorded. If an EPA Method 9 evaluation and/or corrective action become necessary, Virginia Beach Landfill No. 2 shall record the details of the incident, including any EPA Method 9 actual opacity readings, in a log book. The log book shall be kept on site and available for inspection by the DEQ for the most recent five (5) year period.
(9 VAC 5-40-110 and 9 VAC 5-50-110 of State Regulations)
2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to the following:
 - The annual hours of operation in horsepower-hours per year or annual throughput of diesel fuel in gallons per year for all of the diesel pumps combined as specified in Condition III.A.2., calculated monthly as the sum of each consecutive 12-month period.
 - A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 9. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110 and 9 VAC 5-50-50 of State Regulations and Condition 20 of the State Operating Permit dated 3/20/03)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
NO _x	EPA Method 7
CO	EPA Method 10
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

IV. Process Equipment Requirements - (Emission Unit ID #MSW-1 - Landfill Operations)

A. Limitations

1. The design capacity of the MSW landfill is 11,035,531 megagrams. A change in the design capacity may require an air permit to construct and operate.
(9 VAC 5-80-110, 9 VAC 5-40-420 and 9 VAC 5-50-390 of State Regulations and Condition 3 of the State Operating Permit dated 3/20/03)
2. Except as specified in this permit, the permitted facility is to be operated in accordance with the applicable provisions of 40 CFR 60, Subpart WWW.
(9 VAC 5-80-110 and 9 VAC 5-50-410 of State Regulations and Condition 4 of the State Operating Permit dated 3/20/03)

B. Monitoring and Reporting

1. The application for this permit is considered to have satisfied the requirements of Subpart WWW, 40 CFR 60.757 (a) for submission of the initial design capacity and initial non-methane organic compound (NMOC) emission rate reports to the Director, Tidewater Regional Office.
(9 VAC 5-50-410 and 9 VAC 5-80-110 of State Regulations and Condition 8 of the State Operating Permit dated 3/20/03)

2. Not later than April 15 of each year, the permittee shall submit an annual non-methane organic compound (NMOC) emission rate report to the Director, Tidewater Regional Office.
(9 VAC 5-50-410 and 9 VAC 5-80-110 of State Regulations and Condition 9 of the State Operating Permit dated 3/20/03)
3. If the reported NMOC emission rate in the initial or any annual report referenced in Condition IV.B.2. equals or exceeds fifty (50) megagrams per year, the permittee shall:
 - a. Submit a landfill gas collection and control system design plan to the Director, Tidewater Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Condition IV.B.2. which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
 - b. Demonstrate, using a site-specific NMOC concentration, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report within 180 days of submittal of the first annual NMOC emission rate report referenced in Condition IV.B.2. which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual emission rate reporting as specified in Condition IV.B.2. and retest the site-specific NMOC emission rate every five (5) years.
(9 VAC 5-50-410 and 9 VAC 5-80-110 of State Regulations and Condition 10 of the State Operating Permit dated 3/20/03)
4. If, using a site-specific NMOC concentration as referenced in Condition IV.B.3., the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall:
 - a. Submit a landfill gas collection and control system design plan to the Director, Tidewater Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Condition IV.B.2. which indicates an NMOC emission rate of fifty (50) megagrams or greater, or
 - b. Demonstrate, using a site-specific methane generation constant, that NMOC emissions do not equal or exceed fifty (50) megagrams per year. The permittee shall make such demonstration and submit a revised NMOC emission rate report within one (1) year of submittal of the first annual NMOC emission rate report referenced in Condition IV.B.2. which indicates an NMOC emission rate of fifty (50) megagrams or greater. The permittee shall resume annual NMOC emission rate reporting as specified in Condition IV.B.2.
(9 VAC 5-50-410 and 9 VAC 5-80-110 of State Regulations and Condition 11 of the State Operating Permit dated 3/20/03)

5. If, using a site-specific methane generation constant as referenced in Condition IV.B.4., the NMOC emission rate equals or exceeds fifty (50) megagrams per year, the permittee shall submit a landfill gas collection and control system design plan to the Director, Tidewater Regional Office, within one (1) year after submittal of the first annual NMOC emission rate report referenced in Condition IV.B.2. which indicates an NMOC emission rate of fifty (50) megagrams or greater.
(9 VAC 5-50-410 and 9 VAC 5-80-110 of State Regulations and Condition 12 of the State Operating Permit dated 3/20/03)
6. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Conditions IV.B.3., IV.B.4., or IV.B.5., the permittee shall apply for a solid waste permit amendment in accordance with Part VII (9 VAC 20-80-480 et seq.) of 9 VAC Chapter 80 (Solid Waste Management Regulations).
(9 VAC 5-80-110, 9 VAC 5-40 Article 43 and 9 VAC 5-170-160 of State Regulations and Condition 13 of the State Operating Permit dated 3/20/03)
7. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Conditions IV.B.3., IV.B.4., or IV.B.5., the permittee shall apply for a Title V Operating Permit significant modification within ninety (90) days of approval of the gas collection and control plan.
(9 VAC 5-80-110, 9 VAC 5-80-230 of State Regulations and Condition 14 of the State Operating Permit dated 3/20/03)
8. If the permittee is required to install a landfill gas collection and control system in accordance with the provisions of 9 VAC 5-50-410 Subpart WWW and Conditions IV.B.3., IV.B.4., or IV.B.5., the permittee shall install and have operational such landfill gas collection and control system within thirty (30) months of submittal of the first annual emission rate report referenced in Condition IV.B.2. which indicates an NMOC emission rate equals or exceeds fifty (50) megagrams per year which,
 - a. Is designed to handle the maximum expected landfill gas flow rate from the entire area of the landfill;
 - b. Collects landfill gas from each area, cell or group of cells in which solid waste has been placed for a period of:
 1. Five (5) years or more if the landfill is active; or
 2. Two (2) years or more if the landfill is closed or at final grade;
 - c. Collects landfill gas at a sufficient extraction rate;
 - d. Is designed to minimize off-site migration of subsurface landfill gas;
 - e. Reduces NMOC by ninety-eight (98) weight percent or, for an enclosed combustion device, either reduces NMOC by ninety-eight (98) weight percent or reduces the outlet concentration of NMOC to less than 20 ppmv, dry, as hexane, at three (3) percent oxygen;
 - f. Maintains the methane concentration at the surface of the landfill at less than 500 ppmv above background level.
(9 VAC 5-80-110, 9 VAC 5-50-410 of State Regulations and Condition 15 of the State Operating Permit dated 3/20/03)

9. The permittee shall submit a closure report in accordance with 40 CFR 60.757 (d) to the Director, Tidewater Regional Office, within thirty (30) days of the date that the municipal solid waste landfill ceases acceptance of waste.
(9 VAC 5-80-110, 9 VAC 5-50-410 of State Regulations and Condition 16 of the State Operating Permit dated 3/20/03)
10. The permittee shall furnish written notification to the Director, Tidewater Regional Office:
 - a. The actual date on which modification of the municipal solid waste landfill facility commenced.
 - b. The anticipated date of initial waste acceptance related to the modification of the municipal solid waste landfill facility postmarked not more than sixty (60) days nor less than thirty (30) days prior to such date.
 - c. The actual date of initial waste acceptance related to the modification of the municipal solid waste landfill facility within fifteen (15) days of initial waste acceptance.

Copies of written notification referenced in items a, b, and c shall be sent to:

Chief
Permit Programs Section (3AT23)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110, 9 VAC 5-170-160, 9 VAC 5-50-410 Subpart A, and 9 VAC 5-50-410 Subpart WWW of State Regulations and Condition 21 of the State Operating Permit dated 3/20/03)

C. Recordkeeping

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to the following:
 - a. Current maximum design capacity, current amount of refuse in place, and annual (calendar year) refuse accumulation rates;
 - b. Description, location, amount, and placement date of all non-degradable refuse including asbestos and demolition debris placed in landfill areas which are excluded from landfill gas estimation;
 - c. Installation date and location of all vents, wells, and flares.These records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110 and 9 VAC 5-50-50 of State Regulations and Condition 20 of the State Operating Permit dated 3/20/03)

V. Facility Wide Conditions

1. Unless otherwise specified, dust emission controls shall include the following or equivalent as a minimum:
 - a. All material being stockpiled shall be kept moist to control dust during storage and handling, or covered to minimize emissions.
 - b. Dust from haul roads shall be controlled by wet suppression.
 - c. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

(9 VAC 5-50-90 and 9 VAC 5-80-110 of State Regulations and Condition 7 of the State Operating Permit dated 3/20/03)

All other facility wide conditions and permit terms are included in Part III and Part IV of this document.

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation 9 VAC 5-80-720 A, or B, or C	Pollutant(s) Emitted (if applicable to 9 VAC 5-80-720 B	Rated Capacity (if applicable to 9 VAC 5-80-720 C)
F-2	Flare (2,000 scfm)	5-80-720 A.1.	CO, NMOC, VOC, HAPs, NO _x , SO ₂ , PM-10	69.6 MMBtu/hr
LCS-1	Leachate Collection System (including manholes, leachate equalization basin, and pump station)	5-80-720 B.	VOC	45.4 gallons of leachate per minute
DU-1	Degreasing System, 40" x 38" tank	5-80-720 C.4.c.	VOC	40" x 38" tank
T-6	Diesel fuel storage tank	5-80-720 C.	VOC	20,000 gallon tank

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, monitoring, recordkeeping and reporting shall not be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Non Applicability
None	None	None

Nothing in this permit shield shall alter the provisions of ' 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to ' 114 of the federal Clean Air Act, (ii) the Board pursuant to ' 10.1-1314 or ' 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to ' 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Region.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.
(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

IX. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5 Chapter 40, Part II, Article 2. Emission Standards for Odor (Rule 4-2)
2. 9 VAC 5 Chapter 60, Part II, Article 5. Emission Standards for Toxic Pollutants from New and Modified Sources (Rule 6-5)

(9 VAC 5-80-110 N and 9 VAC 5-80-300)